

Before the Independent Hearing Commissioners  
at Far North

---

*under:* the Resource Management Act 1991

*in the matter of:* submissions and further submissions in relation to the  
proposed Far North District Plan

Hearing 10 – Māori Purpose Zone and Treaty  
Settlement Zone

*and:* **Radio New Zealand Limited**  
*Submitter 489*

Legal submissions on behalf of Radio New Zealand Limited -  
Hearing 10 - Māori Purpose Zone and Treaty Settlement Zone

---

Dated: 21 March 2025

---

Reference: Ben Williams (ben.williams@chapmantripp.com)  
Hadleigh Pedler (hadleigh.pedler@chapmantripp.com)

chapmantripp.com  
T +64 3 353 4130  
F +64 3 365 4587

PO Box 2510  
Christchurch 8140  
New Zealand

Auckland  
Wellington  
Christchurch



## **LEGAL SUBMISSIONS ON BEHALF OF RADIO NEW ZEALAND LIMITED**

- 1 These legal submissions are provided on behalf of Radio New Zealand Limited (*RNZ*) for Hearing 10 – Māori Purpose Zone and Treaty Settlement Zone. *RNZ* lodged submissions (Submission 489) and further submissions (FS 304) on the proposed Far North District Plan (*Proposed Plan*).
- 2 *RNZ* operates an AM radio transmission facility at facilities at Spains Road, Waipapakauri and SH 12, Ōheaewai (*RNZ's Facilities*). *RNZ's Facilities* are an integral part of *RNZ's* national communication network and broadcast multiple radio programmes (and perform a critical civil defence role) to the Far North District and surrounding areas.
- 3 *RNZ* wishes to record its *support* for recommendations on key matters in the S42A report on the Māori Purpose Zone.

### **Managing EMR risk**

- 4 As explained in the body of *RNZ's* submission, there is a risk that tall structures near *RNZ's Facilities* can absorb and re-radiate the AM radio waves, with safety risks for people in or near those tall structures (*EMR risk*).
- 5 The main issue is lack of awareness. *RNZ* is generally only alerted to health effects when people nearby working with elevated structures start to receive burns. There is a risk that infrastructure providers, construction companies or landowners unknowingly design, use and build tall structures which do not meet New Zealand EMR regulations. This is potentially risky for to both construction staff and occupants of those structures. *RNZ's* key position is that:
  - 5.1 The EMR risk to structures greater than 21m in height within 1,000m of the Waipapakauri transmitter and structures greater than 16m in height within 1,000m of the Ohaeawai transmitter needs be considered and taken into account to ensure the safety of workers and other people on and near those structures.
  - 5.2 The EMR risk to structures lower than 21m around the Waipapakauri transmitter or lower than 16m Ohaeawai transmitter, or outside 1000m of *RNZ's Facilities*, is minimal and does not require consideration.
  - 5.3 *RNZ* has the expertise and willingness to engage with developers and/or the council on practical methods to manage EMR risk.

- 6 Clear policy direction is needed to ensure that new subdivision and land use activities avoid adverse effects on established network utility operations such as RNZ's Facilities.
- 7 RNZ's submission sought changes to ensure the Council can address safety risks from electromagnetic radiation (*EMR*) on tall structures are constricted near RNZ's Facilities, and that RNZ would be considered an affected person for the purposes of assessing safety risk. RNZ also sought changes to policies to ensure that reverse sensitivity effects on important infrastructure such as RNZ's Facilities would be avoided.

**Section 42A report recommendations**

- 8 The Officer accepts the risk of re-radiated EMR from RNZ Facilities and recommends an advice note be inserted to MPZ-S1 Maximum Height as follows:

**NOTE:** *If a resource consent application is made for an infringement of MPZ-S1 and the proposed building or structure is:*

- (a) *greater than 21 metres in height and within 1,000 metres of the Waipapakauri transmitter at Spains Road, Awanui, Part Lot 4 DP 43276; or*
- (b) *greater than 16 metres in height within 1,000 metres of the Ōhaeawai transmitter at State Highway 12, Ohaeawai Part Te Riu Block XII Omapere Survey District SO 43051*

*then consultation will be required with Radio New Zealand to manage potential adverse electromagnetic coupling effects.*

- 9 The above approach is consistent with the recommendations in the s42A reports for other chapters. RNZ *supports* this wording and a consistent approach throughout the District Plan.
- 10 Although RNZ's preference would be for a mandatory requirement for RNZ to be notified, and for safety risks to be a matter of discretion, the wording and location of the note should alert applicants and the Council that consultation with RNZ is required to assess risk and determine appropriate safety and mitigation measures. As noted above, RNZ has in-house expertise that makes this assessment relatively straightforward.

**Conclusion**

- 11 RNZ supports the above provisions on EMR risk as an appropriate response to the safety issues set out in its submission. RNZ otherwise supports the S42A report's recommendations on RNZ's other submissions on Māori Purpose Zone objectives and policies.
- 12 On the basis there are no outstanding issues between RNZ and the Council or any other submitter, RNZ proposes not to attend the

hearing, but representatives can be available to assist the Panel if that would be useful.

21 March 2025

---

Hadleigh Pedler / Ben Williams (Radio New Zealand)